

DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

## APPEARANCES :

Matthew Reinhardt

Quintairos, Prieto, Wood, & Boyer, P.A.  
Miami, FL

*For The Bank of Nova Scotia,*

**Gretchen Shappert, United States Attorney**

Angela Tyson-Floyd, AUSUA

St. Thomas, U.S.V.I.

MLSPC

For U.S. Department of Treasury, Internal Revenue Service.

## ORDER

GÓMEZ, J.

Before the Court is the motion of The Bank of Nova Scotia ("BNS") for default judgment against Malcolm J. Harris and Teresita Harris (collectively, the "Harrises").

Federal Rule of Civil Procedure 55(b) (2) allows courts to enter a default judgment against a properly served defendant who fails to file a timely responsive pleading. *Anchorage Assoc. v. V.I. Bd. Of Tax Rev.*, 922 F.2d 168, 177 n.9 (3d Cir. 1990). A motion for entry of default judgment must contain evidence of the following: (1) that default was entered; (2) that the defendant has not appeared; (3) that the defendant is not an infant or incompetent; (4) that all pleadings were validly served upon the defendant; (5) the amount of judgment and how it was calculated; and (6) an affidavit of non-military service.

See *Bank of Nova Scotia v. Abdallah*, No. CV 20012-0033, 2014 WL 2976232, at \*3 (D.V.I. July 1, 2014).

As evidence that Malcolm Harris is not in military service, BNS has provided the Court with an affidavit from the Department of Defense, Manpower Data Center, which indicates that Malcolm Harris has never been on active duty for any branch of the United States Uniformed Services. See *Mt. for Default*, ECF No. 13, Exh. 1; *Mt. For Default J.*, ECF No. 21, Exh. 7; see also *Aff. in Supp. of Default*, ECF No. 13, Exh. 2 ("A search of the Department of Defense's Manpower Database revealed that MALCOLM HARRIS . . . has [n]ever been an active duty servicemember of the U.S. Armed Forces."). BNS has provided the Court with no evidence of Teresita Harris's military status.

The premises considered, it is hereby

**ORDERED** that BNS's motion for default judgment docketed at ECF Number 21 is **DENIED** without prejudice.

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**Curtis V. Gómez**  
**District Judge**